

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

TX 2004-000424

08/31/2006

HON. THOMAS DUNEVANT, III

CLERK OF THE COURT
S. Brown
Deputy

BASHAS' INC., et al.

JIM L WRIGHT

v.

MARICOPA COUNTY, et al.

ROBERTA S LIVESAY

MINUTE ENTRY

The Court has considered Defendant Maricopa County's Motion for Reconsideration of Under Advisement Ruling.

Both parties agree that different methods were used by the County to value PUC 1410 properties for tax year 2003. The Court cannot merely accept the avowals of the County that this was the result of calculation rather than a mistaken application of the wrong method in some cases, or that the difference in method did not result in a significant disparity in values. The Court may grant summary judgment only when either the facts or reasonable inferences that may be drawn from those facts are not in dispute. *Orme School v. Reeves*, 166 Ariz. 301, 309 (1990). The Court may deny summary judgment even if there appears to be no genuine issue of material fact, if for whatever reason it believes that a fuller development of the record is appropriate. *See Wolfinger v. Cheche*, 206 Ariz. 504, 512 (App. 2003) (citing *Orme School*). Here, the Court believes that fuller development is appropriate. As the County acknowledges, the closure date for discovery occurred less than a week before it filed its motion for reconsideration (and well after its motion for summary judgment). The Court does not know what conclusions can be drawn from the facts now in the record, and therefore believes it inappropriate, at least at this point, to substitute its judgment for that of the factfinder. *See Anderson v. Liberty Lobby*, 477 U.S. 242, 255 (1986), *cited approvingly in Orme School*, *supra* at 309-310.

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Therefore, IT IS ORDERED Defendant Maricopa County's Motion for Reconsideration of Under Advisement Ruling is denied.